

III. REMARKS

The Examiner is thanked for extending the courtesy of a telephone interview on October 13, 2006, during which it was determined that on page 6 of the last Office Action, section 3, "claim 1-16" should read "claims 1-15".

Claims 1-4 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen in view of Matsumoto.

The invention of claim 1 is a mobile communications device which features a viewfinder display and a camera lens essentially on an opposite side than the display. This allows the viewfinder to have a wide field of view. Also, as recited in claim 1, in the transport position the lens is protected and in the operation position the lens is exposed. Thus the claimed invention combines lens protection with a wide field of view.

Matsumoto is for the problems of proper operation of autofocus and auto exposure controls during self-photography (see column 5, lines 26-34). Since this reference is for a totally different problem than that of the claimed invention (lens protection combined with wide field of view), it cannot be properly combined with Jacobsen to solve the problem solved by the present invention, see *In re Bigio*, 72 USPQ2d 1209, 1212.

More importantly, as the Examiner correctly states, Jacobsen fails to disclose the claimed opposite side concept. Further, on page 2 of the office action, the Examiner says reference number 238 to be a "lens of the camera" in Jacobsen, although Jacobsen refers to "the module or pod 238" in column 12, line 59. In fact, the embodiment that Jacobsen illustrates in Figs. 8A and 8B does not have a camera in either of the two parts at all. In particular, Jacobsen explains in column 12, ll. 57-67, that the module or pod 238 has a "micro display" with a "viewing port 240". Also reference number 224, which the Examiner states is a display, is actually a "base portion" in Jacobsen. Still further, the function and positioning of the external camera

215 is explained in column 12, ll. 38-46. According to this, the camera can be mounted in a telescopic element, i.e., it is not located in one of the two parts as recited in claim 1. Thus, after looking figures 8 and 9, as well as reading the related text, it is not seen how the device shown would achieve what the presently claimed embodiments do, i.e., a camera lens is protected in the transport position and exposed in operational position of device as the functionality of camera is not bound to opening closing of the device in any way in Jacobsen.

Matsumoto fails to disclosure the claimed two parts covering each other completely in the transport position to provide lens protection.

Thus, even if the references are somehow combined, the result is not the claimed invention since the claimed lens protection combined with a wide field of view feature would still be missing from the resulting combination. Claim 8 has limitations similar to claim 1.

Hence, the rejection of claims 1-14 and 6-15 should be withdrawn.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen and Matsumoto in view of Kim.

Kim is for the problem of a keyboard or voice activated alarm sensor, image capture and storage device, AM/FM radio, etc., in a cell phone in order to dial an emergency number (see col. 1, ll. 53-61). Since this is for a different problem than that of the present invention, it cannot be properly combined with first two references. More importantly, since Kim also fails to disclose the above-discussed lens protection, wide field of view and opposite part features, combining it with Jacobsen fails to result in the invention defined by the claims. Hence the rejection of claim 5 should be withdrawn for this additional reason.

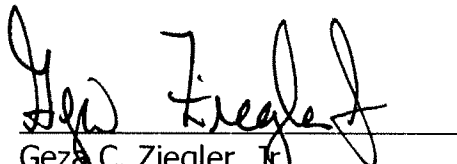
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RESPONSE TO OA MAILED July 8, 2006

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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27 October 2006
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